

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 5658 of 1994

Between:

1. B. Mallaiah s/o late Appaiah, r/o Urus, Warangal District.
2. B. Kumaraswamy S/o late Pedda Mallaiah, r/o Urus, Warangal District.

..... PETITIONERS

A N D

1. The Special Officer and Competent Authority, Urban Land Ceiling, Warangal.
2. The Mandal Revenue Officer, Hanumakonda Mandal, Warangal District.

..... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, declaring the action of the respondents in treating the land of the petitioners in S.No.711/A of Urus village as excess under the Urban Land Ceiling Act of 1976 as illegal, arbitrary and without jurisdiction and direct them not to proceed against the said land and to pass such other orders.

Counsel For the Petitioner: MR.J.VENKATESWARA REDDY

Counsel For the Respondents: G.P. for Revenue.

The Court Made the Following :

ORDER: -

Heard learned counsel for the parties. The grievance of the petitioners is that even after an order under Sec. 8 (4) of A.P. Urban Land Ceiling Act was passed in which he was found having excess land of 4856 square metres and having surrendered the land, but the respondents are still forcing them to surrender further land in S.No.711/A on some extraneous grounds. The petitioners surrendered land admeasuring 1305 sq.m. in Sy.No. 86, 709 sq. m. in Sy.No. 85, 309 sq. m. in Sy.No. 89 and 2538 sq. m. in Sy.No. 738.

In the counter-affidavit filed by the respondents nothing has been stated with regard to the earlier orders passed and the surrender of the land by the petitioners in terms of the earlier orders. In view of fact that the order passed under S.8 (4) of the Act has become final and has been acted upon, the respondents were not within their rights to interfere with the possession of the petitioners in respect of the lands retained by them.

The writ petition is accordingly disposed of directing the respondents not to interfere with the possession of the petitioners in S.No.711/A, which they have been allowed to retain by the orders passed earlier.

1.7.2004

Glv

To

1. The Special Officer and Competent Authority, Urban Land Ceiling,
Warangal.

2. The Mandal Revenue Officer, Hanumakonda Mandal, Warangal
district.

3. 2 CCs to the Government Pleader for Revenue, High Court Buildings,
Hyderabad.

4. 2CD copies.